

Guidance for conservation districts on the Governor's "Stay Home, Stay Healthy" Proclamation 20-25

This guidance was developed after consultation with the Washington Attorney General's Office and is intended to assist conservation districts in determining if any of their employees qualify as "essential" under the Governor's ["Stay Home, Stay Healthy" Proclamation 20-25](#). The State Conservation Commission (SCC) is not making any determination whether a conservation district qualifies, and this guidance does not constitute legal advice.

We want to be clear that it is up to each organization to determine how their operation and specific staff roles should be classified under the Proclamation. The SCC does not have the legal authority to designate organizations or staff within organizations as essential, and the information in this message is not legal advice. Each CD will need to make that evaluation for themselves.

Important considerations

First, we urge you to seriously consider whether any action you take might negatively impact the safety of your employees, supervisors, or the community as a whole. The risks of exposure to the COVID-19 coronavirus and potential liability to a conservation district should not be taken lightly. Decisions to continue operations, even in a modified form, should be carefully weighed.

The Governor's Proclamation provides for minimum basic operations for all businesses, whether the business itself is deemed essential or not:

*"For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions."*ⁱ

Many conservation districts have moved to teleworking alternatives already and the use of teleworking, and providing general services to landowners remotely is highly encouraged.

Also, under the description of [Essential Critical Infrastructure Workers](#)ⁱⁱ, depending on the activities staff are involved in, this provision may apply that could support a decision that a CD employee is essential in a particular role or performing certain duties. The following provision may apply for certain functions of district operations from the Food and Agriculture section:

“Workers essential for assistance programs and government payments”ⁱⁱⁱ

What’s time-critical, what can wait, and what can be done remotely

As you consider aspects of conservation district field work, you're encouraged to consider what aspects are critical to perform right now. Activities that are not necessarily time-sensitive, such as routine site visits to provide technical assistance, could be postponed or conducted remotely. Field visits to install trees and shrubs that have already been received by the district and cannot be held-over, or inspections of completed projects/practices for purposes of releasing payment to a landowner could be considered time-critical activities. Keep in mind that the public perception could be that a conservation district’s staff should not be out in the field at all while the "Stay Home, Stay Healthy" Proclamation is in effect. Consider how you would explain to the public your rationale for being out in the field.

If you determine that all or portions of your operations are essential and thus exempt from the Proclamation, remember that the requirements for avoiding gatherings/groups of any number of persons, health and safety practices, and social distancing still apply.

Both the [Occupational Safety and Health Act \(OSHA\) guidelines](#) and the [WA Department of Health measures](#) must be adhered to.

In the event that a staff activity/role is deemed essential, it may be advisable to issue a letter to that effect. Cite the provision(s) in the Proclamation that you believe applies, and provide contact information for management should any questions arise regarding that determination. As stated in the order: *No business pass or credentialing program applies to any activities or operations under this Proclamation.*

Whatever your decision about your conservation district’s functions under the language of the Proclamation, please also ask yourself if moving forward is the right thing to do to protect the safety and health of others. The risks of exposure to the coronavirus and potential liability to a conservation district should not be taken lightly. Decisions to continue operations - even in a modified form - should be carefully weighed. If you have specific questions or concerns about managing risk and district liability, please contact Enduris.

Please contact your Regional Manager if you'd like to discuss options, but note that we cannot give you legal advice; please consult your own legal counsel for that.

Since the release of Proclamation 20-25, the Governor’s Office also has provided an option for businesses to ask for clarification. More information is available here: [Clarify Essential Businesses](#). Conservation districts should consider carefully whether or not to utilize this form as the response received may not prove beneficial.

We are here to assist you in any way we can during this challenging time for all of us. Please feel free to reach out to us at any time.

ⁱ Governor's Proclamation 20-25, Paragraph (3) (D), page 5, dated March 23, 2020

ⁱⁱ Governor's Proclamation 20-25, Appendix, dated March 23, 2020

ⁱⁱⁱ Governor's Proclamation 20-25, page 4, Appendix, dated March 23, 2020